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CHARGES FOR OUTSIDE FIRE PROTECTION SERVICE

What are the factors to be considered in establishing outside fire service? What are the bases for fire charges? What provisions are included in contractual agreements?

A problem that continuously confronts cities is whether to supply fire protection service outside the city limits. According to statistics in the 1957 *Municipal Year Book*, approximately 600 of the 1,002 reporting cities over 10,000 population answer outside calls and about one-half (308 cities) of them charge for this service. The rates are based upon amount of time, number of pieces of fire apparatus used, number of calls, assessed valuation, yearly stand-by charges, and other factors. This report presents some of the practices that are followed by these cities in charging for outside fire protection service.

This report is based on (1) unpublished data from the 1957 *Municipal Year Book* for the 308 cities over 10,000 population charging for outside fire service, and (2) supplemental information for 35 of the 308 cities obtained by questionnaire in June, 1957. The 35 cities furnishing supplemental data are acknowledged at the end of this report, and the charges used by all 308 cities are shown as a supplement to this report (Exhibit A).

Advantages and Disadvantages of Outside Fire Service

The 35 cities supplied information on the advantages and disadvantages in answering outside calls. Probably the most common advantage is the good will from the citizens in the outside area. Dubuque, Iowa (51,000), reported that it extends this service to an outside industry where many of its citizens are employed.

Some of the cities feel that the charges received from answering outside calls supplement the fire department budget. Springfield, Oregon (12,000), has set up a sinking fund for new equipment and replacement of equipment from the money collected. Watertown, Wisconsin (12,000), puts the money in its pension fund.

Another advantage listed by a few cities is that providing outside fire service may result in stopping a fire from spreading into the municipality's boundaries. Wichita, Kansas (168,000), listed this as one of the reasons why it rendered outside fire service.

The majority of the 35 cities, however, feel that the disadvantages in answering outside calls exceed the advantages. Many of the cities stated that the charges received from outside calls do not meet the cost of stand-by expenditures, depreciation and damages to equipment, and replacement costs. Muskogee, Oklahoma (37,000), found that its flat rate will not pay for its wear and tear on the equipment nor for the firemen's time. Albuquerque, New Mexico (97,000), found that the city receives only a small portion of the actual cost for this service. Hopewell, Virginia (10,000), found that the wear and tear on equipment, excessive maintenance, tires, gasoline, and long distances traveled over unimproved roads did not justify the revenue received.

Another complaint against providing outside fire service is that it weakens the effectiveness of the fire department in answering city calls. The risks of dispatching equipment outside the city when there is no pressing need within the city eventually may be a costly error. As one city reported: "Any municipality that can afford to send its equipment beyond its boundaries is either

denying its taxpayers of 100 per cent service or the fire department has a surplus of equipment, material, and personnel."

Some cities said that this service tends to hinder any municipal program of annexation because the city is supplying a major municipal function, usually at less than cost. According to one city, there is no apparent advantage in providing outside fire service except to the two townships that receive it.

Factors in Providing Outside Service

Outside fire protection service should not be confused with mutual aid. The former, as applied to this report, refers to the service provided by a municipality, with or without charge, to another governmental unit or private party who does not have any organized fire protection. Mutual aid, on the other hand, refers to the reciprocal service provided in time of need by one or more governmental units to another governmental unit, each of which has its own fire protection organization.

A city may have a policy of answering any outside fire call without compensation or mutual agreement. Regardless of the worthy argument for protection of life and property, a city should review several important factors before instituting any formal or informal program of providing outside fire protection service.¹

State Legislation. Approximately one-fourth of the states specifically permit cities to provide extraterritorial fire service.² Other states have enacted laws on certain aspects of outside fire protection service. The purpose of these laws is to establish the legal right of the fire department to operate outside of the territory in which it is organized. The laws define how various problems shall be handled concerning firemen's pay and pensions, payments in case of death or injury of firemen, and the position of the municipality in case of liability or property damage suits.

Legal Authority. The first step in ascertaining the position and powers of the city in regard to outside aid is for local officials to look into state laws and court decisions. The prevailing rule is that municipalities cannot exercise their powers beyond corporate limits without legislative authorization. As noted above, however, many states have ample legislation for outside aid. The more recent laws encourage cooperation by granting extraterritorial rights, by removing geographical limitations, and by making outside service a governmental function attended by the same privileges and immunities that apply to fire fighting within the city limits.

Local charters or ordinances cannot in themselves establish such a right.³ Charter or ordinance provisions may, however, establish legal safeguards in allowing the city to operate outside its corporate limits. The supplement to this report (Exhibit B) shows the Dubuque, Iowa, ordinance on outside fire service. In addition, Appendix C of *Municipal Fire Administration* (pages 405-411) has copies of the Cincinnati and Minneapolis ordinances.

Municipal Liability. Indications are that a municipality with legal authority to send fire apparatus outside will be considered as operating within its governmental capacity.⁴ According to an opinion of the attorney general of Minnesota, a city would not be performing a proper municipal function if it sent its fire department into an area which had not contracted for fire protection.

A city by virtue of its police authority may have the right to go to an outside fire which threatens adjacent areas within the corporate limits. A city may even have the right to protect an outside industrial concern because its loss would affect the welfare of many of its citizens.⁵ Nevertheless, a city may find that it is liable for legal action when it operates outside its boundaries. An Oklahoma

¹The information used in this section was extracted from *Municipal Fire Administration* (Sixth edition; Chicago: International City Managers' Association, 1956), pp. 63-66.

²Russell W. Maddox, *Extraterritorial Powers of Municipalities in the United States* (Corvallis: Oregon State College, 1955), p. 72.

³*Collinsville v. Brinkley*, 115 Okla. 264, 242 Pac. 249 (1926); *McQuillin, Municipal Corporations*, 279; *Burlington v. Industrial Commission*, 195 Wisc. 536 (1928).

⁴*King v. San Angels*, 66 S.W. 2d 418 (1933); *Town of Mitton v. Industrial Commission*, 230 Wisc. 168 (1939).

⁵*City of Pueblo v. Flanders*, 122 Colo. 571.

case ruled that municipality rendering an outside fire call without proper authority would be liable for damages.⁶

Generally the courts will provide that firemen injured in outside service are eligible for compensation.⁷ Moreover the municipality receiving help rather than the responding city is likely to be held liable for payments to injured firemen.⁸

Fire insurance on property within the city is not normally void if the apparatus is outside the city at the time of the fire unless a clause to that effect is attached to the policy. While fire fighting has been held by the courts to be a governmental function it is possible that if a fire occurred which did considerable damage because of the absence of fire apparatus from the municipality, the municipality could be held liable.

The question as to whether compensation insurance or pension provisions apply to firemen killed on duty outside the city should be determined definitely from the insurance policy or from the pension provisions. If there is the least doubt, the subject should be taken up with the city attorney or with the company issuing the policy.

Insurance Rates. Sending fire apparatus and firemen out of the city may affect the city's general insurance rating. This is especially true of small cities with limited equipment and manpower. There is no information to indicate that outside aid will bring higher insurance rates within the city as long as there is sufficient protection remaining while the equipment is away.

Equipment for Outside Runs. A city should have a fire department that is organized, trained, and equipped to assume the responsibility of providing outside fire protection. When part of the fire department is outside the city, the remainder should be able to protect the city. Communications should be such that equipment outside the city can be readily contacted and directed to emergencies within the city. The fire department's personnel should be trained in the types of fires that they may encounter in the outside area. Firemen should be familiar with the area and know the various accesses of approach, and the fire equipment should be suitable for use in the outside area.

A fire department should be prepared to assume the additional burden of answering outside fire calls. It should realize that the number of calls will increase and that outside calls may be more difficult. In rural areas the roads may be poor, streets may not be readily identifiable, distances from the fire station to the fire may be longer, and water supply may not be available. The outside area may contain commercial firms which would not normally be found inside the city because of their flammable nature such as saw mills, chemical works, gasoline storage dumps, cleaning plants, and so on. The area may not have a building code, a standard fire code, or an ordinance requiring fire protection devices.

Contractual Arrangements. A city that has entered into a contractual arrangement with a governmental unit or private party to provide outside fire service is following good legal practice. Such a contract can grant legal authority to enter an outside area, provide for protection of municipal firemen, and absolve the city of liability. Contracts are described in detail in a subsequent section of this report.

Charges for Outside Service. Once a city has decided on providing outside fire protection service, the next step is to set charges.

The actual cost of the service will vary from city to city and area to area. Besides the operating cost for such outside fire call, a city also should consider total fire department budget, special equipment, valuation of the area being protected, and benefits that the area receives.

A city should not use its outside fire program as a revenue raising device, yet a city should charge enough at least to meet all direct costs. A danger in establishing outside fire rates is that they are too low and do not consider all the cost factors that go into subsidizing the outside area.

⁶*City of Sand Springs v. Grey*, 182 Okla. 248.

⁷*Gilbert v. Pendleton*, 300 N.Y.S. 790 (1937); Minn. Opinion of Atty. Gen., No. 93 (1934); Ohio Atty. Gen. Op. No. 1697, (1930).

⁸*In re Gilbert*, 300 N.Y.S. 790 (1937); *Matter of Brown*, 211 N.Y.S. 807 (1925).

Bases for Outside Fire Service Charges

The various bases for outside fire service protection charges are described in the following sections and the practices of several cities are used as illustrations.

Flat Hourly Rate. This is a standard charge based upon the amount of time required for each call. Thirty-one, or approximately 10 per cent of the 308 reporting cities use this method. The charges range from a low of \$25 to a high of \$300 per hour. Nine cities charge \$100 per hour, while six cities charge \$50 per hour. Statistically, the lower quartile is \$50 per hour; the median, \$75; and the upper quartile, \$100. Twenty-one of the cities use a graduated scale such as \$50 for the first hour and \$25 for each additional hour. Generally, after the first hour the hourly rate is reduced by 50 per cent.

There are several advantages in this type of charge. It is easy to administer. The city receives payment according to the time consumed. It reduces unnecessary calls since the charge is based upon each hour or fraction thereof.

There are some disadvantages to be considered. The rate may not openly reflect whether all cost factors are considered. It is susceptible arbitrarily to being set too high or too low. Since normally the rate is in effect once an alarm is given, the factor of distance is employed over the factor of hazard and difficulty. The time factor may raise the cost far out of proportion.

Beloit, Wisconsin (30,000), has a contractual agreement with a township to furnish fire protection at \$300 an hour or fraction thereof from the time the piece of apparatus leaves the station until it returns. The fire chief or the assistant chief has discretion to dispatch the fire apparatus outside the area and in turn can call them back at any time. The contract specially states that the city shall not be liable for any failure to furnish fire protection or failure to furnish adequate fire protection. The township agrees to pay for any damages sustained by the city in answering an outside call. The township must pay for any outside fire calls within 60 days.

Hourly Rate per Apparatus and/or Manpower. Twenty-four cities charge a rate based upon the length of time each apparatus is used for each call. Five of these cities also charge by the hour for the manpower required.

Five cities charge \$50 per hour, four cities \$75 per hour, and four cities \$100 per hour per apparatus. The rates range from \$15 to \$360 per hour. The lower quartile is \$50 per hour per apparatus; the median, \$75; and the upper quartile, \$100. The charge for the second hour is usually one-third to one-half less. The charge for each firefighter ranges from \$1 to \$3 per hour.

The advantages are: (1) it is an easy way to figure cost; (2) when the rates vary by type of apparatus, costs are more equally distributed; (3) the larger fires pay a greater proportion of costs; and (4) the cost of personnel is included.

The disadvantages are: (1) it fails to recognize stand-by and replacement costs; (2) unless the charge is paid by a governmental unit, an individual may find the charge too high in the event of a disastrous fire and may not be able to pay; and (3) frequent revisions are needed to up-date increasing costs.

Highland Park, Illinois (20,000), provides fire protection service to outside commercial concerns at a charge of \$100 per apparatus for the first hour and \$10 for each additional hour. The fire chief or in his absence the senior fire officer on duty has the authority to answer an outside call, providing that the action will not conflict with the interests of the city. The business concerns are required to carry an insurance clause which will guarantee payment for a call, waive all damage claims which could occur because of the city's response to the fire, and defend the city in any legal action arising from an outside call.

Muskogee, Oklahoma, has a similar arrangement with outside residents and industrial concerns within a three-mile radius of the city's nearest fire station. The individual signs a contract which requires him to carry insurance guaranteeing a minimum payment of \$200 per call. The fire chief or officer on duty authorizes response to outside calls. In 1956, the city answered 49 outside calls, and in the last five years it has answered 232 calls.

Variations of Hourly and Flat Rates per Apparatus, per Manpower, and/or per Mile. Fourteen cities use a variation of the hourly or flat rate based upon use of apparatus, manpower, or distance traveled. The advantages and disadvantages are similar to those discussed for the flat hourly rate and hourly rate per apparatus.

Wichita, Kansas, by ordinance grants outside fire protection service to nearby townships upon request. The charge is \$100 per piece of apparatus per call which is paid by the township. The fire chief authorizes response to fire calls outside the city limits. The city averages about 900 outside calls a year.

Lubbock, Texas (72,000), by contractual agreement provides the county with fire protection service at the following rate: \$100 for the first 10 miles (minimum) and \$15 for each additional mile. The county is responsible for payment, and the senior fire officer on duty may respond to any call. In 1956 the city answered approximately 100 such calls.

Flat Rate per Call. A total of 35 cities reported charging a flat amount for each outside call. This list is probably higher for 31 other cities list that they charge a flat sum without indicating the basis of charge (see supplement to this report). The charge for each call ranges from \$12 to \$300 with 13 cities charging \$100 and seven cities charging \$50. The lower quartile is \$50 per call; the median, \$75; and the upper quartile, \$100.

The principle advantage of this type of charge is the ease in billing for each call. It also makes it easy for the individual home owners to pay. The disadvantages are numerous. The rate does not show if all costs are being met. The charge is uniform, regardless of the type of fire, length of fire, type of property protected, or value of property.

In Sanford, Florida (12,000), residents or businesses may contract for fire protection service at the rate of \$100 per call plus an annual registration fee of \$5. Each applicant must carry an insurance provision guaranteeing payment, or in the absence of such a provision, must post a \$100 bond or check. Prior to the instituting of a formal program, the municipality averaged 55 to 60 outside calls a year, approximately 25 to 30 per cent of its total calls. Since July 1, 1956, when charges went into effect, the number of calls beyond the city limits decreased to three.

Pittsburg, Kansas (14,000), provides fire service to outside home owners, industries, and business concerns for a charge of \$100 per call. Each individual is required to file an application for contract (see supplement to this report) with the city describing the property, giving its location, and stating the best means of travel from the city fire station. He also must file a memorandum (certificate) of insurance guaranteeing payment. Finally, he must sign a contract with the city which will apply for a two-year period. The city answers about 20 outside calls per year.

Assessed Valuation. Forty-nine cities charge for outside fire service by the assessed valuation of homes and other buildings to be protected. As a rule the municipality granting the service will assess a governmental unit or a large area rather than apply this rate on individual requests. The tax rate is based upon the municipal fire department budget. Generally the tax rate will correspond to the proportion paid by city residents. In some cases, however, a municipality may charge outsiders 50 to 100 per cent more.

The reported rates varied from a low of 0.5 mills to a high of 14 mills. Four cities charge 1 mill, three charge 4 mills, and three charge 6 mills. The lower quartile is 2 mills; the median, 4 mills; and the upper quartile, 6 mills.

The advantages of this basis are: (1) it more closely approximates the total cost of supplying fire protection; (2) it distributes the cost according to the value of property protected; and (3) it charges all outside residents the same rate or more than paid within the city.

The disadvantages are: (1) it cannot applied easily to individuals or small groups, since collection costs and revenue received would not make it financially sound; and (2) the fire department may be called for trivial situations since the cost has been paid.

Greensboro, North Carolina (74,000), supplies fire protection services to one town and to industrial and commercial firms at an assessed valuation amounting to 150 per cent of the city tax

levy for operating the fire department. The industrial and business concerns are required to sign a contract which guarantees that the city will not be liable for any claims arising from damages or negligence in providing this service, that the receiver will indemnify the city for any injury sustained by a member of the fire department in performing this service, and that the receiver keep in force an insurance policy protecting the city against liability claims for personal injury, death, and property damages. The city manager or mayor authorizes responses to outside calls. In 1956 the city answered 13 calls for a five-year total of 29.

Springfield, Oregon, supplies two water districts with fire service at a rate of 5 mills based on assessed valuation. The water districts levy the taxes. The county collects and remits the taxes to the water districts who make payment to the city. Last year the city collected approximately \$11,000 and answered 56 outside calls. In the past two years the city has accumulated \$18,000 in a sinking fund to purchase new equipment.

Annual Charge. The annual payment for fire protection service is used by 35 cities. As a rule this charge is levied on governmental units, although in a few cases individuals pay a lesser sum for stand-by service. It should be cautioned that this method of charge may be related to charging by assessed valuation, for a municipality when listing its rate for charge for this report may have listed the amount of money collected in a year without indicating that the basis was assessed valuation.

The annual charges listed ranged from \$100 to \$30,000. The lower quartile is \$1,000; the median, \$2,500; and the upper quartile, \$6,000.

The advantages of this basis are: (1) all factors pertaining to cost can be figured into the over-all figure; (2) it is easy to collect; and (3) generally, because of the amount of the annual charge, the service is restricted to governmental units.

The greatest disadvantage is that the annual charge may be arbitrarily chosen without considering all factors. Then, too, since the charges are paid in advance, the fire department may have to respond to an excessive number of trivial calls.

Albuquerque, New Mexico, receives \$15,000 a year for answering outside calls. For this amount, the city answers an average of 200 calls a year. Hopewell, Virginia (10,000), has a contract with the county to provide fire service at the minimum annual charge of \$730. Above 12 calls per year, the city charges an additional \$60 for each call. The yearly average for outside calls is 12.

Annual Charge Plus per Call, per Hour, per Apparatus. Eleven cities base their outside fire calls on an annual charge, usually a stand-by fee, plus an additional charge for answering an actual call. Over one-half of these cities make it possible for individual home owners or business firms to procure such a service by charging low annual fees.

The advantages of this basis are: (1) it allows individual home owners to contract for service by paying a modest stand-by fee and additional cost for a fire; and (2) it allows for payment of fixed costs and operating costs.

The disadvantages are similar to those outlined in the preceeding section on annual charges.

Park Ridge, Illinois (22,000), has an annual charge of \$10 for residences and \$25 for business for outside fire service. In addition each applicant must carry an insurance guarantee which will cover payment for \$150 per outside call. In the past five years the city has averaged eight outside a year.

Charlotte, North Carolina (134,000), has a contractual agreement with the county for the annual sum of \$2,400 plus \$50 per call. Its department will answer any outside call when authorized by the rural police department, the dispatching agency for rural fires. The county pays the annual charge and one-half of the outside call charge. The property owner pays the remainder. In the past four years the city has answered 51 outside calls.

Equipment Furnished by Protected Area. Seven cities indicated that in exchange for providing outside service, the area protected supplies equipment and perhaps maintenance costs. Of course, the advantage is obvious. The city supplements its fire department with additional equipment that

can be used within the city limits. The municipality, however, has the problem of outside ownership, or at least interest in the equipment supplied, and the responsibility of maintaining such equipment.

Durham, North Carolina (71,000), receives one high pressure unit and the salaries of 10 men from the county. Kent, Ohio (12,000), uses equipment owned by a rural fire district and manned by city firemen.

Variations of Above Methods. A total of 48 cities have outside fire charges consisting of a combination of the previously discussed rates or a miscellaneous rate not applicable to any class. Several cities charge different rates for governmental units and individuals.

Daytona Beach, Florida (30,000), levies a charge of \$1.15 per month per residential unit and 3 mills of assessed valuation per month for commercial units for outside calls within the area designated by the city commission. While the city does not hold a contract with the outside areas and has no convenient method of enforcing payment, approximately 80 per cent of the eligible outside inhabitants pay for this service.

Zanesville, Ohio (41,000), provides outside fire service to individual home owners, industries, and commercial concerns on a contractual basis. Home owners of single or double unit dwellings are required to pay a registration fee of \$5 per year; for others the charge is \$10 per year. For each outside call there is a charge of \$50 per apparatus, \$50 per hour, and \$5 per mile from the city limits to the fire. Larger buildings, such as hotels, motels, gasoline stations, or industrial plants, must pay a minimum of \$150 for two hours and \$35 for each hour thereafter, in addition to the fee for the apparatus and the mileage.

Benton Harbor, Michigan (14,000), holds a contractual agreement with a township to supply outside fire protection at a rate based upon mileage. If the run is two miles or less the charge is \$100; five miles or less, \$137.50; over five miles, \$175. It has answered six calls in the past five years.

Little Rock, Arkansas (102,000), grants limited fire protection service to any individual, firm, or corporation within a one and one-half mile radius of the city on a contractual basis. Each applicant must post a surety bond of \$1,000. There is an annual charge of \$100 for each \$25,000 or less assessed valuation, plus \$425 for each additional \$25,000. An applicant must also pay a fee of \$50 per hour for each apparatus dispatched to a fire.

Contracts

Many cities negotiate a written agreement with the governmental unit, business firm, or individual receiving outside fire service. Other cities have ordinances or resolutions which specify the municipality's policies in regard to fire service. The contract form used in Pittsburg, Kansas, is shown in the supplement as Exhibit E. The contract application and insurance certificate used in Pittsburg are shown as Exhibit C and D.

Nearly all contracts have similar clauses although they vary in detail. The contract may be only a formal acknowledgement of services to be given. Or it may list thoroughly the requirements to be met, the services to be given, and the limitations in effect. The following points usually are covered in the contracts reviewed for this report.

Identification and Description of Applicants. The contract begins by listing the principals in the agreement. Normally, the name of the individual(s), business(es), or governmental unit(s), and the address(es) are sufficient. Winston-Salem, North Carolina (88,000), requires that the property be identified by the lot and block numbers as described on the county tax map. Sanford, Florida, lists the applicant's name, address, telephone number, location of the property, type of structure and construction, and water connections and location.

Charges and Basis of Rates. Nearly all contracts include the type of charges or the basis of the rates for outside fire protection.

Type of Service To Be Given. Nearly all contracts outline what services are to be expected

and what limitations are in effect. Benton Harbor, Michigan, specifies that fire apparatus will be dispatched to areas in the outside districts which are accessible by good roads. Zanesville, Ohio, promises to send at least one piece of motor fire apparatus, accompanied by the usual complement of city firemen, and will send additional equipment and personnel if needed.

Winston-Salem, North Carolina, will not send fire apparatus out of the city if in the opinion of the fire chief or senior fire officer such action will endanger the quality of the service within the city.

Liability in Performing Fire Service. The majority of contracts examined require the applicant to waive any action against the city for damages or injuries to his property or person caused by the fire department in response to an outside call. Similarly, the city specifically states that it will assume no liability for failure to respond to an outside call or for failure to supply adequate equipment and personnel.

Highland Park, Illinois, makes the applicant responsible for all calls to his property, regardless of who made them. Sanford, Florida, in no way will guarantee effectiveness of fire service. Winston-Salem will not be held liable to the property owner for any negligence of the city or its employees.

Protection against Liability from a Third Party. Some cities will make the applicant assume responsibility for any liability suit incurred from a third party due to responding to an outside call. This would apply to accidents going to and from a fire, injury or death to citizens involved in accidents, and injury or death to firemen in responding to an outside call. This may be done by the applicant filing a bond, procuring insurance coverage, or making a statement to the effect that it will be responsible for all claims against the city.

Grand Junction, Colorado (14,000), has the fire district agree to be responsible for all claims and damages arising from the operation of their agreement. Highland Park, Illinois, has the property owner agree to defend the city against suits for damages.

Greensboro, North Carolina, has each applicant carry liability insurance to the amount of \$50,000, \$100,000, and \$5,000 that will protect the city. Pittsburg, Kansas, will not process any application until it receives a certificate of insurance covering possible liability claims against the city.

Length of Agreement. The usual time that a contract is in effect is one year. A few cities allow an applicant to enter into an agreement for a longer time. Newport, Kentucky (31,000), has a contract with the township for a five-year period.

Provision for Payment. Most of the cities allow for payment within 30 to 60 days, with the latter being more common. Some of the cities have a provision that if payment is not met within a definite time, the contract is cancelled. Highland Park, Illinois, may terminate the contract within 20 days after the date of any bill rendered that has not been paid.

Assuring Payment. Several cities require the person receiving outside service to either post a surety bond or procure an insurance policy or clause which will guarantee payment to the city for services rendered. This requirement is normally asked of individual applicants and is most applicable for fixed charges, such as flat rate per call or apparatus. The city is usually guaranteed minimum payments of \$100 to \$200.

Termination by Written Notice. Most of the contracts allow either party to terminate the contract by written notice within 30 to 90 days.

Conclusions

Before instituting charges for outside fire service, a city should be certain that all factors involving costs for such service have been considered. No base for outside fire charges can guarantee complete reimbursement for money spent. Although several bases are preferable, it can be concluded from the variations of methods used that properly computed and installed rates of charge are just as important as a base of charge. A rate must not be arbitrarily set. Such a policy will invariably result in an undercharge or an overcharge, usually the former.

The Minneapolis Study. An illustration of a situation where a municipality reviewed its base for charge and found that they did not meet cost is given in *Municipal Fire Administration* (page 68): "The city of Minneapolis made a study of 10 years' experience in providing such service to out-of-the-city areas. It was found that the Minneapolis fire department had made an average of 20 out-of-the-city responses each year for the 10-year period, that the apparatus responding was in service an average of one and one-half hours for each response, and that the average revenue was less than \$50 an hour of service.

"An analysis of the cost of providing fire protection service within the city of Minneapolis revealed that the existing charge of \$50 an hour was considerably less than the per hour cost of supplying fire protection service within the city. A proper apportionment of the cost of providing outside fire service indicated that the city of Minneapolis should have received approximately three times the amount that was actually received. On the basis of this study, the rates were brought into line with actual costs. As time went on the rates were revised whenever the cost of providing the service warranted an adjustment."

Assessed Valuation and Annual Charge. Two bases for outside fire protection charges that should be considered carefully are assessed valuation and annual charge. Assessed valuation has the advantage of being able to institute a rate of charge that is at least equal and in some cases more than equal to the rate of charge that prevails within the city. The property that is being protected will pay according to the relative value that this protection provides. The rate can be uniformly applied and can be easily raised or lowered to meet fluctuating costs.

Similarly, the same advantages exist for a basis founded upon an annual charge. The city extending the service can figure the cost of maintaining a fire department, depreciation of equipment, and operation costs into one annual payment and prorate it to governmental units or to individuals. With an annual charge a city is able to add additional charges for lack of water hydrants, poor roads, hazardous conditions, and so on which may not have been covered by using a charge based upon assessed valuation.

These charges are best used in populated outside areas in which a governmental unit will be responsible for payment.

Variation of Methods for Private Parties. Perhaps in the case of individual home owners, business concerns, and industries a variation or combination of bases for charge will prove advisable. For residential dwellings located near a city fire station, a fixed annual stand-by charge plus a flat rate or hourly rate per actual call may prove applicable. For residential dwellings and farms located several miles from the city, an annual stand-by charge plus a flat rate or hourly rate and an additional charge for mileage may be more suitable.

Industries and commercial establishments can best be charged by an annual stand-by or assessed valuation rate plus an hourly rate based upon the number of apparatus and men used for an actual fire.

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Exhibit A

BASIS FOR OUTSIDE FIRE PROTECTION SERVICE CHARGES
IN CITIES OVER 10,000 POPULATION: 1956

This table includes 308 cities over 10,000 population that reported charges for outside fire service to the 1957 *Municipal Year Book*. The cities are grouped alphabetically according to the basis for charge.

<u>City</u>	<u>Flat Hourly Rate</u>	<u>City</u>	<u>Hourly Rate per Apparatus and/or Manpower</u>
Appleton, Wis.	\$300 first hr., \$200 ea. add. hr.	Robbinsdale, Minn. . . .	\$75 per hr. per apparatus; \$3 per hr. per man
Atchinson, Kan.	\$100 first hr., \$50 ea. add. hr.	Rutland, Vt.	\$75 per hr. per apparatus
Barre, Vt.	\$60 first hr., \$30 ea. add. hr.	Superior, Wis.	\$75 first hr. per apparatus, \$50 ea. add. hr.
Beloit, Wis.	\$300 per hr., (contract with township)	Tacoma, Wash.	\$360 per hr. per apparatus; \$500 max.
Berwyn, Ill.	\$100 first hr., \$50 ea. add. hr.	Toledo, Ohio	\$75 per hr. per apparatus
Bluefield, W. Va.	\$125 first hr., \$75 ea. add. hr.	Tulsa, Okla.	\$250 first hr. per apparatus, \$200 second hr., prorated thereafter
Chickasha, Okla.	\$15 min., \$25 first hr., \$5 ea. add. hr.		
Colorado Springs, Colo. . .	\$50 per hr.	<u>City</u>	<u>Variation on Hourly and/or Flat Rates per Apparatus, per Manpower, per Mile</u>
Elgin, Ill.	\$125 first hr., \$75 ea. add. hr.	Bryan, Tex.	\$1.50 per hr.; \$5 per mile
Escanaba, Mich.	\$70 first hr., \$50 ea. add. hr.	Columbus, Ohio	\$50 per apparatus; \$50 per hr.; \$10 per mile
Greenwood, S. C.	\$100 per hr.	Danville, Va.	\$25 per hr.; \$3 per mile
Holland, Mich.	\$200 first hr., \$100 ea. add. hr.	Del Rio, Tex.	\$40 first hr., \$5 ea. add. 15 minutes; \$1 per mile over 10 mile round trip
Ironwood, Mich.	\$75 first hr., \$50 ea. add. hr.	Hagerstown, Md.	\$30 per apparatus
McAlester, Okla.	\$100 per hr.	Gainesville, Tex.	\$25 per apparatus
Madera, Calif.	\$50 first hr.	Jamestown, N. D.	\$25 per hr.; \$2 per hr. per man
Marinetta, Wis.	\$100 first hr., \$25 ea. add. hr.	Lawton, Okla.	\$25 per hr.; \$2 per mile
Marshalltown, Iowa . . .	\$60 first hr., \$30 ea. add. hr.	Lewiston, Me.	\$25 per apparatus; \$1 per man; \$2 per mile
Moberly, Mo.	\$50 per hr.	Lubbock, Tex.	\$100 first 10 miles, \$15 ea. add. mile
Ottawa, Ill.	\$50 per hr. (industrial plants only)	Memphis, Tenn.	\$100 per apparatus
Red Wing, Minn.	\$40 first hr., \$15 ea. add. hr.	Reidsville, N. C.	\$50 per apparatus; \$2 per hr. per man
Richmond, Va.	\$75 first hr., \$50 ea. add. hr.	Sanford, Me.	\$35 per 500 gal. pumper, \$25 per truck; \$1.50 per hr. per officer, \$1 per hr. per man; \$.75 per mile; \$.01 per ft. hose laid
Sault Ste. Marie, Mich. . .	\$50 first hr., \$25 ea. add. hr.	Wichita, Kan.	\$100 per apparatus
Shawnee, Okla.	\$50 per hr.		
Southbridge t., Mass. . . .	\$100 first hr., \$50 ea. add. hr.	<u>City</u>	<u>Flat Rate per Call</u>
Springfield, Ohio	\$100 first hr., \$75 ea. add. hr.	Albemarle, N. C.	\$100
Sterling, Ill.	\$60 first hr., \$50 ea. add. hr.	Arkansas City, Kan. . . .	\$20
Topeka, Kan.	\$100 first hr., \$1 ea. add. minute	Bartlesville, Okla.	\$100
Watertown, S. D.	\$25 per hr.	Bristol, Va.	\$200
West Allis, Wis.	\$300 per hr.	Brunswick, Ga.	\$75
Wisconsin Rapids, Wis. . .	\$100 first hr., \$50 second hr., \$25 ea. add. hr.	Coatesville, Pa.	\$60 (two areas, min. yearly payment, \$300)
Wyandotte, Mich.	\$75 first hr., \$50 ea. add. hr.	Ellwood City, Pa.	\$100 (contract with township)
		Florence, Ala.	\$50
<u>City</u>	<u>Hourly Rate per Apparatus and/or Manpower</u>	Grand Prairie, Tex. . . .	\$12-\$15
Ada, Okla.	\$15 per hr. per apparatus	Greenville, Tex.	\$50
Augusta, Me.	\$35 per hr. per apparatus	Griffin, Ga.	\$100
Bangor, Me.	\$50 per hr. per apparatus; \$1 per hr. per man	Hickory, N. C.	\$75
Bath, Me.	\$50 first hr. per apparatus, \$25 ea. add. hr.; \$1 per hr. per man	Huntington, Ind.	\$50
Brattleboro, Vt.	\$35 per hr. per apparatus plus cost of manpower	Independence, Kan. . . .	\$100
Burlington, Vt.	\$100 per hr. per apparatus	Jackson, Tenn.	\$100
Chicago, Ill.	\$65 first hr. per apparatus, \$50 ea. add. hr.; \$30 first hr. per supervisory vehicle, \$15 ea. add. hr.	Joplin, Mo.	\$200
Cleveland Hgts., Ohio . . .	\$95 first hr. per apparatus, \$65 ea. add. hr.	Keene, N. H.	\$15
Enid, Okla.	\$50 per hr. per apparatus	Lynchburg, Va.	\$200
Highland Park, Ill.	\$100 per hr. per apparatus, \$10 ea. add. hr.	Maywood, Ill.	\$100
Huron, S. D.	\$25 per hr. per apparatus; \$2 per hr. per man	Menominee, Mich.	\$100
Jamesville, Wis.	\$100 first hr. per apparatus, \$75 ea. add. hr.	Middletown, Conn.	\$75
Mobile, Ala.	\$50 per hr. per apparatus	Mount Pleasant, Mich. . .	\$50
Muskogee, Okla.	\$200 per hr. per apparatus		
Norman, Okla.	\$50 per hr. per apparatus		
Oklahoma City, Okla. . . .	\$100 per hr. per apparatus		
Parma, Ohio	\$95 first hr. per apparatus, \$65 ea. add. hr.		
Racine, Wis.	\$200 first hr. per apparatus, \$100 ea. add. hr.		

Exhibit A — Continued

<u>City</u>	<u>Flat Rate per Call</u>
Murfreesboro, Tenn. . . .	\$100
Nashville, Tenn.	\$300
Newton, Iowa	\$50
Newton, Kan.	\$100
Orangeburg, S. C.	\$100
Petersburgh, Va.	\$60
Pittsburg, Kan.	\$100
Popular Bluff, Mo.	\$25
Quincy, Ill.	\$50
Rapid City, S. D.	\$50
San Benito, Tex.	\$25
Sanford, Fla.	\$100 plus \$5 registration fee (contract with individuals)
Selma, Ala.	\$25

<u>City</u>	<u>Flat Rate Charge, Base Unknown</u>
Aiken, S. C.	\$100
Ardmore, Okla.	\$100
Bessemer, Ala.	\$100
Cleveland, Tenn.	\$100
Columbia, S. C.	\$300
Columbus, Miss.	\$25
Fargo, N. D.	\$150
Florence, S. C.	\$50
Gastonia, N. C.	\$100
Greeley, Colo.	\$30
Hanover, Pa.	\$50
Harrisburg, Ill.	\$100
Hot Springs, Ark.	\$100
Huntington, W. Va.	\$50
Hutchinson, Kan.	\$100
Johnson City, Tenn. . . .	\$250
Kankakee, Ill.	\$100
Las Cruces, N. M.	\$50
Mahanoy City, Pa.	\$500
Mattoon, Ill.	\$100
Midwest City, Okla. . . .	\$100
Moultrie, Ga.	\$100
New Castle, Ind.	\$100
Painesville, Ohio	\$100
Richmond, Ind.	\$100
Rock Hill, S. C.	\$100
Sanford, N. C.	\$50
Sapulpa, Okla.	\$150
Vincennes, Ind.	\$75
Washington, Ind.	\$50
Winoma, Minn.	\$50

<u>City</u>	<u>Assessed Valuation</u>
Great Falls, Mont. . . .	14 mills
Greensboro, N. C. . . .	Assessed at 150 per cent of the cost to city residents
Iowa City, Iowa	12 mills
Jackson, Mich.	1 mill, for businesses only
Manhattan, Kan.05 mills
Massillon, Ohio	\$5 up to \$5,000 valuation, \$7.50 up to \$7,500, \$10 up to \$10,000, 1.4 mills over \$10,000
Medford, Ore.	4.4 mills
Missoula, Mont.	Rate not reported, only applied to industry
Monmouth, Ill.	2 mills
Pendleton, Ore.	8 mills
Port Chester, N. Y. . . .	Rate not reported
Portland, Ore.	6.75 mills
Raleigh, N. C.	5 mills
Saginaw, Mich.	Rate not reported
St. Joseph, Mo.	Rate not reported
Salem, Ore.	6 mills, \$100 min.
Salina, Kan.	1 mill
San Anselmo, Calif. . . .	5.5 mills
San Antonio, Tex. . . .	Rate equal to city rate for fire protection
Scottsbluff, Neb.	Rate not reported
South Gate, Calif. . . .	Rate not reported
Springfield, Ill.	Rate not reported
Springfield, Ore.	5 mills
State College, Pa.	Rate not reported
Sunbury, Pa.	1 mill
Thomasville, N. C. . . .	2.7 mills
Utica, N. Y.	6 mills
Warren, Ohio	1.5 mills
Wilmington, Del.	2.5 mills, 1 mill for hospitals, charitable homes, and institutions
Winston-Salem, N. C. . . .	Twice the city rate for fire protection

<u>City</u>	<u>Annual Charge</u>
Albion, Mich.	\$5,000 ea. for two townships
Albuquerque, N. M. . . .	\$15,000 for county
Atlanta, Ga.	\$1,000 for industrial plant
Beacon, N. Y.	\$500
Berkeley, Calif.	\$3,500
Big Spring, Tex.	\$3,000 for county
Bloomington, Ind.	\$2,500 for one township, \$1,000 for another township
Carlsbad, N. M.	\$2,000 for county's rural area
Chanute, Kan.	\$300
Elizabeth City, N. C. . . .	\$15,000 for county
Ferndale, Mich.	\$23,000 for township
Hollywood, Fla.	\$100
Hopewell, Va.	\$730, max. 12 calls; \$60 ea. add. call, contract with township
Hornell, N. Y.	\$3,000
Indianapolis, Ind.	\$1,500; over 15 calls, \$100 per apparatus
Ithaca, N. Y.	\$6,800
Kokomo, Ind.	\$7,800
Lafayette, Ind.	\$25,000 for one township
Lima, Ohio	\$30,000 for three townships
Massena, N. Y.	\$4,100
Midland, Tex.	\$24,000
Niles, Ohio	\$2,500; over 15 calls, \$100 for ea. add. call
North Miami, Fla.	\$6,000
Piqua, Ohio	\$750 ea. for two townships
Plymouth, Pa.	\$350
Port Angeles, Wash. . . .	\$1,000
Princeton, N. J.	\$6,325
Statesville, N. C.	\$9,000 for county
Tallahassee, Fla.	\$6,000
Temple, Tex.	\$1,200
Terre Haute, Ind.	\$5,000 for township
Troy, Ohio	\$1,000 for one township, \$800 for another township
Virginia, Minn.	Rate not reported
Watertown, Wis.	\$1,200 for two townships, \$900 and \$400 for two partial townships
Washington, Pa.	\$10,000

<u>City</u>	<u>Assessed Valuation</u>
Aurora, Ill.	1.78 mills, min. \$10
Burlington, Iowa	10 mills
Champaign, Ill.	Rate not reported, industrial plant only
Cicero, Ill.	Rate not reported, industrial plant only
Cincinnati, Ohio	4 mills min. for districts; 2 mills for govt. units
Corvallis, Ore.	4 mills
Covington, Ky.	10 mills, contract with subdivision
Delaware, Ohio	Annual charge of \$15 for \$2,000 tax valuation or less, \$25 from \$2,000 to \$20,000, \$50 over \$20,000
Dodge City, Kan.	1 mill
Dubuque, Iowa	Millage equal to city millage, plus \$100
Emporia, Kan.	Rate not reported
Endicott, N. Y.	3.75 mills
Eugene, Ore.	6 mills
Everett, Wash.	4 mills
Fort Collins, Colo. . . .	Rate not reported
Glenview, Ill.	Rate not reported
Grand Forks, N. D. . . .	9 mills up to \$160,000 assessed valuation, 1 mill thereafter
Grand Island, Neb. . . .	Rate not reported
Grand Rapids, Mich. . . .	3 mills up to \$1 million valuation, 2 mills thereafter; \$15 min. for residential property; \$50 min. for commercial property

Exhibit A — Continued

<u>City</u>	<u>Annual Charge plus per Call, per Hour, or per Apparatus</u>
Charlotte, N. C.	\$2,400 per yr.; \$50 per call
Elmira, N. Y.	\$5,000 per yr.; \$200 ea. apparatus
Eureka, Calif.	\$500 per yr.; \$50 per hr.
Hialeah, Fla.	\$50 per yr.; \$25 ea. apparatus
Marietta, Ga.	\$10 per yr. for residential, \$25 per yr. for business; \$100 per call
Marietta, Ohio	\$10 to \$110 per yr.; \$50 per apparatus
Mason City, Iowa	\$7.50 per yr. for residential, \$22.50 for farm, \$25 for business; \$25 to \$50 per yr. for apparatus
Michigan City, Ind.	\$2 per yr.; \$50 per hr.
Middletown, N. Y.	\$2,100 per yr.; \$75 per apparatus
Newport, Ky.	\$100 and \$500 per yr. for two townships; \$75 to \$200 per hr. per apparatus
Park Ridge, Ill.	\$10 per yr. for residential; \$25 per yr. for commercial; \$150 per call

<u>City</u>	<u>Equipment and Maintenance Furnished by Protected Area</u>
Brownwood, Tex.	One truck furnished by county
Charles City, Iowa	Equipment furnished by outside area and manned by city
Charlottesville, Va.	Equipment and salaries of two men paid by county
Durham, N. C.	One high pressure unit and salaries of 10 men furnished by county
Kent, Ohio	Equipment owned by township and manned by city
Marshfield, Wis.	Equipment furnished by outside area
Muscatine, Iowa	One truck and two men furnished

<u>City</u>	<u>Miscellaneous and Combinations and/or Variations of Above Rates</u>
Ames, Iowa	Fire truck furnished by township; 1 mill on assessed valuation
Antioch, Calif.	\$50 yearly stand-by charge; \$25 per hr.; \$15 for chief's car; \$2.50 per hr. per man
Auburn, Me.	\$35 per company; \$10 per hr.; \$2 per hr. per man
Bend, Ore.	Assessed valuation for one fire district; \$50 per call for industry
Benton Harbor, Mich.	\$100 per call within two mile radius, \$137.50 within two to five miles, \$175 over five miles, for township
Boone, Iowa	1 mill of assessed valuation for fire district; \$25 per hr. per apparatus for others
Brownsville, Tex.	\$25 per call plus county assumption of 2.5 per cent of cost of maintaining fire equipment
Cedar Falls, Iowa	Assessed valuation, rate not reported
Cleveland, Ohio	\$95 first hr. per company, \$65 ea. add. hr.
Corning, N. Y.	\$100 per call; plus hourly charge not reported
Danville, Ill.	\$300 for farms, factories, or businesses; \$100 for residential
Dayton, Ohio	0.3 mills of assessed valuation; hourly charge based on type of apparatus
Daytona Beach, Fla.	\$1.15 per mo. per residential unit; 3 mills of assessed valuation per commercial building
Detroit, Mich.	3 mills on assessed valuation; \$100 per hr. per company, \$75 ea. add. hr.
Elyria, Ohio	\$700 per mo.
Faribault, Minn.	Truck furnished by outside area; \$25 for first hr., \$5 ea. add. hr.
Harlingen, Tex.	2.5 per cent of fire budget plus \$25 per call

<u>City</u>	<u>Miscellaneous and Combinations and/or Variations of Above Rates</u>
Grand Junction, Colo.	\$11,160 annual charge from fire district plus two fire trucks to be manned by the city
Kinston, N. C.	\$1,000 per mo. plus equipment furnished by the county
La Crosse, Wis.	2.5 mills on assessed valuation; \$175 per call
Little Rock, Ark.	Annual charge of \$100 for ea. \$25,000 valuation or less, \$25 for ea. add. \$25,000; \$50 per hr. per unit
Lombard, Ill.	\$50 for residential bldgs. \$125 for business units
Louisville, Ky.	2.6 mills of assessed valuation on indus- trial plants plus \$100 first hr. per apparatus, \$75 ea. add. hr.; \$25 per hr. ea. battalion chief
Marquette, Mich.	\$1,000 annual charge; others \$100 per hr.
Marshall, Tex.	\$10 per hr. while on trip; \$10 per mile one way
Martinsville, Va.	\$30 per apparatus per call; \$3 per mile over two miles; \$1.50 per hr. per man
Minneapolis, Minn.	Assessed valuation not reported; \$125 to \$150 per hr. per apparatus
Newark, Ohio	\$50 per call; \$50 per hr. for business concerns
N. Tonawanda, N. Y.	\$50 per call; \$1 per hr. per man
Okmulgee, Okla.	\$25 per call; \$25 per hr.
Ottawa, Kan.	Assessed valuation, rate not reported, plus hourly charge, rate not reported
Pampa, Tex.	\$50 per call; \$5 per mile; max. \$100 paid by the county
Pittsburg, Calif.	\$25 to \$35 per hr. per apparatus for county; \$75 annual charge for indus- try; assessed valuation for housing units
Plainview, Tex.	\$100 per call; plus annual fee not re- ported; for commercial plants only
Provo, Utah	\$1,000 annual charge paid by the county; plus portion fire protection budget according to manpower and equip- ment used
Salisbury, N. C.	\$100 per call; plus annual fee not re- ported; for commercial plants only
Sandusky, Ohio	\$4,000 and \$5,000 for two townships; \$175 first hr., \$50 ea. add. hr. for others
Sarasota, Fla.	2 mills assessed valuation plus \$40 per apparatus
South Euclid, Ohio	\$500 annual charge; \$200 per call; \$3 per hr. per man
Vancouver, Wash.	\$100 annual charge; \$50 per hr. per apparatus; \$5 per hr. per man
Wausau, Wis.	\$100 per call; \$25 per hr.
Wash. Court House, O.	\$250 per mo. for township; \$1 per minute for transient motorists, min. \$40
Waterloo, Iowa	\$50 first hr., \$25 ea. add. hr. per company
Waterville, Me.	\$25 per call; \$1.25 per man
Waycross, Ga.	Stand-by charge of \$15 for residential units, \$50 for small business units, \$100 for large business units
Waynesboro, Va.	\$25 per call; \$15 per hr. per apparatus; \$5 per mile over 5 miles
Ypsilanti, Mich.	\$50 per call; \$50 per hr.
Zanesville, Ohio	\$5 annual charge for residential, \$10 for others; \$50 per apparatus; \$50 per hr.; \$5 per mile

Charges Unknown

Ashland, Ohio; Bozeman, Mont.; Brunswick, Me.; Cadillac, Mich.; Canton, Ohio; Carlisle, Pa.; Carnegie, Pa.; Claremont, N. H.; Crawfordsville, Ind.; Duncan, Okla.; Elkhart, Ind.; Elmhurst, Ill.; Fond du Lac, Wis.; Greenville, S. C.; Hamilton, Ohio; Harvey, Ill.; Galesburg, Ill.; Long Beach, N. Y.; New Albany, Ind.; Rome, Ga.; Spartanburg, S. C.; Tuscaloosa, Ala.; and Wilkes-Barre, Pa.

Exhibit B

OUTSIDE FIRE SERVICE ORDINANCE, DUBUQUE, IOWA

Ordinance No. 3-50

An Ordinance Providing Terms and Conditions Upon Which the Fire Fighting Equipment and Firemen of the City of Dubuque May Respond to Calls for Fire Fighting Outside of the City Corporate Limits; and When so Engaged Such Equipment and Men Shall Be Considered Within the Jurisdiction of the City of Dubuque, and Said City Shall Have the Same Governmental Immunity as When Operating Within its Corporate Limits.

Be it Ordained by the City Council of the City of Dubuque:

Section 1. From and after the date this Ordinance goes into effect, no fire service shall be rendered outside the limits of the City of Dubuque, Iowa, by the fire fighting equipment and firemen of the City of Dubuque, except on the following terms and conditions, to-wit:

A. To protect property of the City of Dubuque located outside of the corporate limits of the City of Dubuque.

B. Fire protection shall be only to those places located in Dubuque County, outside of and within two miles by highway of the city limits of the City of Dubuque, which do not create an extraordinary hazard to the personnel or equipment of the City Fire Department, where city water mains are in the immediate proximity of the premises, or a supply of water is available in the proper location and in such quantities at all times as in the judgment of the fire chief of the City of Dubuque shall be sufficient to light a fire on said premises for not less than one hour. The judgment of the fire chief shall be conclusive as to what constitutes an extraordinary hazard hereunder.

C. Anyone desiring the fire protection above referred to shall make application to the Fire Chief of the City of Dubuque and at the commencement thereof pay to the City of Dubuque annually \$100.00 plus an amount equal to the amount that would have been assessed against the real property and the contents thereof upon fire levies, which fire levies are for the fire maintenance, fire equipment, fire pension, and fire retirement funds, the same as if said property were located in the City of Dubuque. The

City Assessor of the City of Dubuque shall fix the valuation of said property for the purpose of this ordinance.

D. Only such apparatus and personnel to be used at any fire shall be furnished under this Ordinance as in the sole judgment of the Chief of the Fire Department can be spared at any time. No protection shall be given if two or more engines are out of service for any reason or are engaged at fires within the City of Dubuque. No such protection shall be given in inclement weather such as severe snows or rain storms, or when the roads are in a bad condition, and the sole judgment of the Fire Chief shall be final as to the state of the storms and condition of the roads.

E. The City of Dubuque shall furnish only such fire protection as herein stated, and said City shall in no manner be responsible for any damages by fire or otherwise because of the failure to answer calls, delay in response to calls, and failure of any equipment, or any other damage caused by the equipment, the lack thereof, the use thereof, or firemen.

F. Each and every person desiring fire protection as herein provided shall sign an agreement to abide by all of the terms and conditions of this Ordinance.

G. The Chief of the Fire Department is hereby authorized to send fire trucks and other equipment and personnel of the Fire Department to fires outside of the City of Dubuque in accordance with the terms of this Ordinance, and only when he is satisfied that the owners of the property requesting such service have complied with all of the terms and conditions of this Ordinance.

Section 2. Fire fighting equipment and firemen responding to calls for fire fighting outside of the City of Dubuque under the terms of this ordinance shall be considered within the jurisdiction of the City of Dubuque.

Section 3. Fire fighting equipment and firemen responding to calls for fire fighting outside of the City of Dubuque under the terms of this ordinance shall have the same governmental immunity as when operating within the corporate limits of the City of Dubuque.

Exhibit C

FIRE SERVICE CONTRACT APPLICATION, PITTSBURG, KANSAS

The undersigned does hereby apply to the Governing Body of the City of Pittsburg, Kansas, for permission to make and enter into a contract whereby the city will undertake, pursuant to its authority under state law, to provide fire-fighting service for the property hereinafter described.

The property for which such service is sought consists of

Said property is located miles from and outside of the city limits of the City of Pittsburg and is upon the following described real estate situated in the County of Crawford and State of Kansas, to-wit:

The undersigned applicant has an insurable interest in above described property for which fire-fighting service is sought and hereby agrees to comply with all the requirements of state law, city ordinances or contract entered into with the City of Pittsburg and the undersigned, or any extension thereof, for fire-fighting service. The undersigned has been informed and understands that this application must first be accepted and approved by the Governing Body of the City of Pittsburg and that before such contract for the furnishing of fire-fighting service shall become effective the contract must be signed by the applicant and the city and that the applicant must file with the Chief of the Fire Department of the City a memorandum (certificate) of insurance written by an insurance company authorized to do insurance business in Kansas disclosing that the aboved described property is covered by hazard insurance to which there has been affixed at the expense of the insured a uniform standard "fire department service clause" and a "lost payable clause" in favor of the City of Pittsburg.

Such property can be reached by vehicular fire-fighting equipment by traveling on the highways and private roads from the intersection of Fourth and Broadway Streets in the City of Pittsburg as follows:

Dated this day of, 19

.....
Name of Applicant

.....
Address

Exhibit D

FIRE INSURANCE CERTIFICATION, PITTSBURG, KANSAS

This is to certify that the _____
(Name of Insurance Carrier)

authorized to do business in Kansas, has written fire insurance covering the insurable interest
of _____, in the following described property:
(Insured)

Said property is located _____ miles from and outside of the city limits of the City of Pitts-
burg and is upon the following described real estate situated in the county of Crawford and State
of Kansas, to-wit:

Said policy number _____ (and renewal certificate) covers the insured period
from the _____ day of _____, 19____, to the _____ day of _____,
19____, at noon standard time, to which policy there has been attached, as a part thereof, the
uniform standard Kansas "fire department service clause" and the uniform standard Kansas "loss
payable clause" in favor of the City of Pittsburg with reference only to the fire department service
clause; and upon which the premiums have been paid.

Such property can be reached by vehicular fire-fighting equipment by traveling on the high-
ways and private roads from the intersection of Fourth and Broadway Streets in the City of Pitts-
burg, as follows:

Dated this _____ day of _____, 19____.

(Name of local agent representing insurance
carrier)

Exhibit E

FIRE SERVICE CONTRACT, PITTSBURG, KANSAS

THIS AGREEMENT, made and entered into this _____ day of _____, 19_____, by and between the City of Pittsburg, Crawford County, Kansas, a municipal corporation, hereinafter called the "city" and _____

hereinafter called the "contractee."

WITNESSETH: That whereas the said contractee is the owner, occupant or tenant of the following described real estate situated in the County of Crawford and State of Kansas, to-wit:

upon which there is located and kept the following buildings, structures or personal property: _____

all of which is outside the territorial limits of the City of Pittsburg and within a distance of five (5) miles therefrom; and

Whereas, said contractee has made formal application to the City of Pittsburg to furnish fire fighting service for said premises and property;

THEREFORE, pursuant to the authority vested in the city according to law and in consideration of the charges, fees and compensation herein provided, to be paid to the city, and in consideration of their mutual covenants and promises, it is agreed by and between the parties hereto as follows:

1. This contract includes by reference and does hereby incorporate as a part hereof the application filed by the contractee with the City Clerk and also the memorandum (certificate) filed with the Chief of the Fire Department and is considered as a part of the primary consideration inducing the city to enter into this contract.

2. This contract shall not bind the city or be effective until the same has been adopted by ordinance of the city, has been signed by all the parties hereto and the city has been furnished with the required memorandum (certificate) of insurance as hereinafter required.

3. The Fire Department of the city shall, when notified, furnish such fire fighting service and equipment as may be reasonably necessary to attend and fight fires that may occur upon the above described premises if at the time of the need for such service the Fire Department can spare such equipment and firemen. The Fire Department of the city, subject to the conditions of Chapter 113 of the Laws of 1931, and amendments thereto, (G. S. 80-1501) shall make a reasonable effort to attend and extinguish such fires, when in the judgment of the Fire Chief or other person in charge of the Fire Department, the road and weather conditions will permit; and it is expressly agreed and understood, that the Fire Chief or person in charge of the Fire Department shall have the right in every case to determine whether or not the city can spare any part of its fire equipment and firemen at a particular time. It is further agreed, that the city shall not be liable in any way for failure of the Fire Department to attend a fire or put out a fire or for damages to property or person or for any other reason.

4. It is further agreed that contractee will immediately cause to be procured fire hazard insurance upon the property covered by this contract, to which policy of insurance there shall be affixed by such insurance carrier, and at the expense of said contractee, a uniform standard Kansas "fire" department service clause" and a uniform standard Kansas "loss payable clause" in favor of the City of Pittsburg with reference only to the fire department service clause; and upon which the premiums have been paid.

5. Before the city will furnish such fire fighting equipment and service to said contractee and for the protection of said property, there shall be placed on file with the Chief of the Fire Department, a memorandum (certificate) signed by a local insurance agent certifying that fire hazard insurance has been written, covering a stated period of time, by an insurance company licensed to do business in the State of Kansas, protecting the insurable interest held by contractee in such property; and such certificate shall disclose that there has been affixed to such policy of insurance a uniform standard Kansas "fire department service clause" and a uniform standard Kansas "loss payable clause" in favor of the City of Pittsburg with reference only to the fire department service clause.

6. The city shall have no duty or responsibility to furnish any fire fighting service or to make any fire run at any time during which the contractee does not have in full force and effect fire hazard insurance as hereinbefore provided. It shall be the duty of said contractee to see that proper and sufficient proof of such insurance and proof of the renewal and extensions thereof are at all times on file with the Chief of the Fire Department.

7. As compensation for such fire fighting service to said premises and in accordance with the terms of this contract, the said contractee hereby agrees to pay to the City of Pittsburg, Kansas, the sum of _____ Dollars (\$_____) for each and every trip or run made in attending fires in, on or exposing such property or premises to fire hazard.

8. It is hereby deemed and declared that the compensation herein provided to be paid to the city is sufficient for reasonable use of equipment and for the cost of material used on such fire runs and in fighting such fires and to pay the firemen for such runs and to enable the city to carry a sufficient amount of insurance to indemnify it for loss or damage to any fire fighting equipment, or injury to person or property (if the city be actually liable therefor).

9. All fees and charges of the city for the furnishing of fire fighting service shall be paid within sixty days after the making of a fire run or the furnishing of such service.

10. If the insurance upon said premises containing the "fire department service clause" and "loss payable clause," is procured and continued in full force and effect, and all terms and provisions of this contract are fully complied with on the part of said contractee as herein provided, this contract shall continue in force and effect for a period of two (2) years and automatically for successive like renewal periods thereof without any action on the part of the parties hereto unless sooner terminated as herein provided. This paragraph shall not relieve the contractee of the duty to keep on file at all times proper and sufficient certificate or certificates showing valid and subsisting fire insurance contracts or the extension or renewal thereof.

11. The city or the said contractee may cancel this contract by the giving of written notice thirty (30) days prior to the date on which cancellation is desired. That all prior contracts, if any, between the parties hereto for fire fighting service are hereby terminated immediately.

12. This contract is executed in duplicate, one copy thereof for said city and one copy thereof for said contractee.

IN WITNESS WHEREOF, this contract was signed by said contractee this _____ day of _____, 19____.

The City of Pittsburg, Kansas,

By _____ Mayor

(SEAL)

ATTESTED: _____ City Clerk

Contractee

